IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 186 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BIPINBHAI P PATEL

Versus

M/S. VIPOR CHEMICALS

Appearance:

MR MTM HAKIM for Petitioner

MR PA MEHTA FOR NANAVATI ASSOCIATES for Respondent No. 1

MR KH BAXI for Respondent No. 2

MR HH PATEL for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/01/2001

ORAL JUDGEMENT

#. Mr.Baxi, learned counsel appearing for the Board states that two complaints, one under the Air Pollution Act and another under the Water Pollution Act, being Complaints No.1249/97 and 1259/97 have already been filed

against the unit-respondent No.1 and the same are pending in the court of Chief Judicial Magistrate, First Class, Vadodara.

#. It is true that the complaint filed by the petitioner for pollution of water and air as well as making construction on the land to be kept reserve for green belt came to be rejected on the ground that there is no evidence in support of his complaint, but this decision given in his complaint may not be a binding decision in two complaints filed by the Gujarat Pollution Control Board, Vadodara, reference of which has been made in earlier part of this order. In fact, instead of filing his own complaint, the petitioner could have been a helping hand to prove this pollution of air or water against this unit to the Board and the Board can present him as witness in those complaints. The petitioner can apply for his intervention in the complaints as in the pollution matter, every citizen of the country, if any unit is polluting air or water, has a right of hearing. The petitioner can go before the court where the complaints filed by the Board are pending. It is made clear that whatever decision given in the complaint of the petitioner shall not be taken to be a decision given by the court while dealing with the complaints of the Board as if given on meriJJJJJJJJJJ

this petition is dismissed. Rule discharged. No order as to costs.

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(sunil)